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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/578,174	05/04/2006	Tsunchiro Higashinaka	290666US2PCT	5188
22850 7590 04/29/2010 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER				
CHAN, KAWING				
ART UNIT		PAPER NUMBER		
2837				
NOTIFICATION DATE		DELIVERY MODE		
04/29/2010		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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**Office Action Summary****Application No.**

10/578,174

**Applicant(s)**

HIGASHINAKA, TSUNEHIO

**Examiner**

Kawing Chan

**Art Unit**

2837

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 April 2010.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 3-13 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☒ Claim(s) 1 and 4-13 is/are allowed.  
6) ☒ Claim(s) 3 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO/SI/22)  
Paper No(s)/Mail Date 02/19/10  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. The Amendments and Applicant Arguments submitted on 04/02/10 have been received and its contents have been carefully considered. The examiner wishes to thank the Applicant for the response to the Examiner's action and for amending the claims in the appropriate manner.

Claim 2 has been cancelled.

Claims 5-13 have been added.

Claims 1 and 3-13 are pending for examination.

### ***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on 02/19/10 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by examiner.

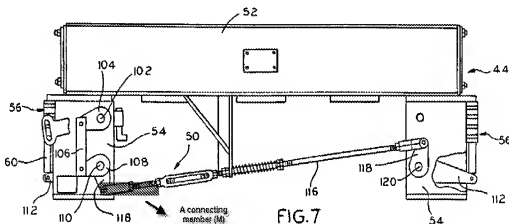
### ***Claim Objections***

3. Claim 3 is objected to because of the limitation "wherein connecting portions of the connecting member" in line 16. It is recommended to change "connecting portions" to "the connecting portions". Appropriate correction is required.

***Response to Arguments***

4. Applicant's arguments filed 04/02/10 have been fully considered but they are not persuasive.

In response to applicant's arguments with respect to claim 3 that "Woodruff does not teach or suggest a connecting member that extends in opposite directions from the electromagnetic actuator and undergoes reciprocating displacement along a straight line connecting between the connecting portions of the connecting member with the pivot levers", Woodruff discloses a connecting member (M) on the left side of the electromagnetic actuator (50), and a connecting member (116) on the right side of the electromagnetic actuator (50). Therefore, Woodruff discloses a connecting member that extends in opposite directions from the electromagnetic actuator.



***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claim 3 is rejected under 35 U.S.C. 102(b) as being anticipated by Woodruff et al. (US 5,782,319).

**In Re claim 3**, Woodruff discloses a safety device (Figure 3: 44, 52, 54, 56) for an elevator (Figure 1: 22) comprising:

A pair of pivot levers (Figure 7: 112) provided to a car (Col 3 lines 3-5: the safety device 44 including pivots 112 are attached to the car) guided by a guide rail (28), the pair of pivot levers (112) being pivotable about a pair of pivot shafts (Figure 7: 110, 120) that are parallel to each other;

A plurality of braking members (Figure 7: wedges 60 on each side) each provided to each of the pivot levers (112 on each side), the plurality of braking members (60) being capable of coming into and out of contact with the guide rail (28) through pivotal movement of the pivot levers (112) (Col 4 lines 25-60);

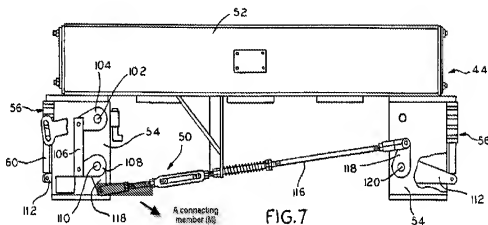
A connecting member (116) pivotally connected to connecting portions (118) of the pivot levers (112), the connecting portions (118) located on opposite ends of the connecting member (116) along a plane formed by a longitudinal axis of the connecting member (116) (as shown in Figure 7); and

An electromagnetic actuator (50) configured to push the connecting member (116) in a first direction (e.g. left or right) to pivot the pivot levers (112) in a braking direction to bring the braking members (60) into contact with the guide rail (28) and to move the connecting member (116) in a second direction (e.g. left or right) to pivot the

pivot levers (112) in a releasing direction to bring the braking members (60) out of contact with the guide rail (28) (Col 4 lines 25-60).

Wherein said connecting portions (118) of the connecting member (116) with the pivot levers (112) area arranged on different sides with respect to a plane containing axes of the pivot shafts (110, 120);

Wherein the connecting member (116, M) extends in opposite directions from the electromagnetic and the electromagnetic actuator (50) causes the connecting member (116) to undergo reciprocating displacement along a straight line connecting between the connecting portions (118) (as shown in Figure 7).



### ***Allowable Subject Matter***

7. Claims 1 and 4-13 are allowed.

The following is an examiner's statement of reasons for allowance: The cited prior art do not teach or suggest "connecting portions of the connecting member with the pivot levers are arranged on the same side with respect to a plane containing axes

of the pivot shafts" and "connecting portions of the connecting member with the pivot levers are arranged on a first side of a plane containing axes of the pivot shafts in a case that the braking members are in contact with the guide rail, and the connecting portions are arranged on a second side of the plane containing the axes of the pivot shafts in a case that the braking members are out of contact with the guide rail". The combinations of the claimed limitations in the independent claims 1 and 4 are not anticipated or made obvious by the prior art of record in the examiner's opinion.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kawing Chan whose telephone number is (571)270-3909. The examiner can normally be reached on Mon-Fri 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Walter Benson can be reached on 571-272-2227. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/K. C./  
Examiner, Art Unit 2837

/Walter Benson/  
Supervisory Patent Examiner, Art Unit 2837